

III. REMARKS

Status of the Claims

Claims 1-22 are cancelled and new claims 23-34. Claims 23-34 are submitted for consideration.

Summary of the Office Action

Claims 1-4, 6-15 and 17-22 stand rejected under 35USC102(e) on the basis of the cited reference WO 96/10229. Claims 1, 4,5, 8 and 12 are rejected under 35USC102(e) based on the cited reference Loh, U.S. Patent No. 6,483,698. The Examiner is respectfully requested to reconsider his rejection in view of the following remarks.

Applicant has submitted a new set of claims to clarify the novel features of the invention for which protection is sought in this application. In particular the claims are amended in response to the issues raised by the Examiner in the subject Office Action and to more clearly define the basis for Applicant's arguments distinguishing the cited references. These amendments are submitted after final rejection in order to place the claims in condition for allowance or in the alternative to place the claims in better condition for appeal. The Examiner is respectfully requested to enter these amendments in order to advance the prosecution of this application.

In rejecting the claims, the examiner has cited, for the first time, the references WO96/10229 and Loh as a basis for the anticipation rejections. The citation of these new references was not necessitated by Applicant's prior amendments and accordingly the issuing of a final rejection is improper under MPEP section 706.07(c) where it is stated:

"While the rules no longer give to an applicant the right to "amend as often as the examiner presents new references or reasons for rejection," present practice does not sanction hasty and ill-considered final rejections. The applicant, who is seeking to define his or her invention in claims that will give him or her the patent protection to which he or she is justly entitled should

receive the cooperation of the examiner to that end, and not be prematurely cut off in the prosecution of his or her application."

The Examiner is respectfully requested to reconsider the final nature of the pending office action and his rejection in view of the above amendments and the following arguments. The entering of the above amendments will permit the clarification of the issues for appeal or the allowance of the claims and may also resolve any remaining issues with respect to the claims. We believe that such amendments are properly entered under 37USC1.116 The Examiner is also reminded that this application was subject to a substantial delay through no fault of the Applicant because of which a petition for withdrawal of abandonment was necessitated.

Discussion of the Cited References

The Examiner relies on the cited reference WO96/10229 to support the rejection based on anticipation. The examiner has characterized the '229 reference as follows:

"The support element is also arranged to slide in respect to the base part of the device and wherein the support element is arranged detachably in the base part of the device. The support element comprises a locking element for locking the accessory to the support element (also readable on the fastening elements)"

Applicant submits that the above characterization of the '229 reference is not supported in the reference. The examiner has cited the holster 20b of the '229 reference with regard to the support element of the subject application. The cited reference describes the holster 20b on page 21, lines 27 and 28, as:

"...and holster module 20b that enables operation of selected portions of module 20a when disconnected from host computer 100."

and again at page 22, lines 17-19, as:

"With respect to FIG.9B, exemplary holster 20B is described that enables modular peripheral 20 to be used as a pager independent of host computer 100."

This description indicates that holster 20B is not intended to be attached to computer 100 at all and therefore, it cannot provide support an accessory device in operational connection to computer 100 in the manner to which the support element of this application is described in the claims. The cited reference does not, therefore, support the rejection based on anticipation.

The Examiner has further cited the reference Loh, in support of a second rejection based on anticipation. The reference Loh discloses a cradle 10 that is adapted to receive a PDA and support the PDA on a flat surface. The cradle 10 includes connection 16 for power and data. Applicant submits that reliance on this reference is misplaced. The cradle 10 is adapted to receive a PDA and support the PDA on a desk, table or the like. Contrary to this the support element of the subject invention is attached to an electronic device, possibly a PDA, for the purpose of supporting an accessory connected to the electronic device on the electronic device. According to the claims, the support element of this application does not support the electronic device.

The Issue of Anticipation

The Examiner is reminded that the anticipation analysis requires a positive answer to the question of whether the devices of the cited references would infringe the claims of this application if it were later.

Claims 23 of this application includes the following:

"a support element mounted on one of said electronic device or said accessory for supporting the accessory when it is in operational connection to the electronic device."

Claim 31 of this application contains the following:

"a support element mounted on the base part in a position to support the accessory when the accessory is in operational connection to the electronic device."

Claim 33 of this application contains the following:

"a support element mounted on the body part in a position to support the accessory when the accessory is in operational connection to the electronic device.

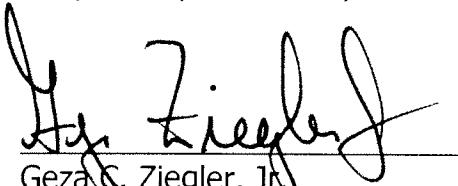
Since the above elements of the claims of this application are not present in the devices of either of the '229 reference or the reference Loh, there can be no infringement of the subject claims. Therefore the cited references do not support the rejection based on anticipation with respect to any of the independent claims as submitted herein.

The above arguments are equally applicable to the rejected dependent claims.

In view of the remarks stated above, Applicant submits that all of the claims under consideration contain patentable subject matter and favorable action by the Examiner is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment of \$1240.00 for the RCE and two month extension of time fee as well as for any other fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



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5 September 2006
Date

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10/029,908

Response to Office Action mailed April 5, 2006

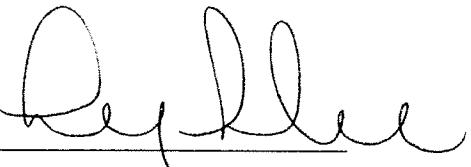
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